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November 2, 2005

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The Honorable Marianne B. Bowler  
United States District Court of Massachusetts  
United States Courthouse  
1 Courthouse Way, Suite 2300  
Boston, MA 02210

Re: In re Pharmaceutical Industry Average Wholesale Price Litigation, MDL No. 1456

Dear Judge Bowler:

On behalf of the Track One Defendants in the above referenced action, I write with respect to the hearing scheduled in the above-referenced case for November 9, 2005, before Your Honor. One of the motions set for that hearing is Plaintiffs' Motion for Extension of Time to Extend Expert Witness Disclosures and Discovery (Docket No. 1694).

Two other motions that have been filed and that are closely related to Plaintiffs' Motion for Extension have not yet been set for hearing. The Track One Defendants' Motion to Preclude Plaintiffs' Expert Evidence on Liability or For Other Sanctions (Docket No. 1769) was filed on October 11, 2005, and Plaintiffs' Motion to Compel Production of IMS Data and Reports (Docket No. 1794) was filed on October 21, 2005. Plaintiffs filed their response to Docket No. 1769 on October 25, 2005 (Docket No. 1798), and Defendants will file a response to Docket No. 1794 on November 4, 2005.

Since these motions will be fully briefed before the Court holds its hearing on November 9th, and because the issues presented in these motions closely relate to those presented by the motion that is already scheduled to be heard, we respectfully suggest that, in the interest of time and efficiency, the motions represented by Docket Numbers 1769 and 1794 also be scheduled for the hearing on November 9, 2005.

Very truly yours,

A handwritten signature in cursive script that reads "John T. Montgomery". To the right of the signature, the initials "(AW)" are written in a smaller, handwritten font.

John T. Montgomery

cc: All counsel of record (via Lexis File & Serve)